Mattatuck Street was closed and a new highway laid out crossing the two lots formerly facing Mattatuck Street, and also crossing Seery Place. The present owner of the two lots dedicated to highway uses that part of them crossed by the new highway, and, so far as he has, as such owner, any title thereto, so much of Seery Place as is so covered. The defendant laid a water-main under this new highway crossing Seery Place. In an action to enjoin the city from using such water-main it was *held*: That there is no presumption that a deed, granting land as bounded upon a private pass-way, conveys any part of the fee to the pass-way. *Seery* v. *City of Waterbury* (1909), — Conn. —, 74 Atl. 908.

Where land is conveyed as bounded upon a street it is a question of intention whether the grant includes the fee of the street, and all authorities hold that where the street is a public highway such a conveyance carries title to the center of the way, unless there be something showing an intention to the contrary. There would seem to be no reason why the same presumption should not exist when the land is granted as bounded upon a private way, for it is not reasonable to suppose that the grantor intended to reserve the fee in a strip of which, because of the grantee's easement he could make no beneficial use. The larger number of courts hold that in such grants there is a presumption that the grantee takes a fee to the center. *McKenzie* v. *Gleason*, 184 Mass. 452, 100 Am. St. Rep. 566; *Bissell* v. *N. Y. C. R. R. Co.*, 23 N. Y. 61; *Pitney* v. *Huested*, 8 N. Y. App. Div. 105, 40 N. Y. Supp. 407; *Hays* v. *Askew*, 53 N. C. 226; *Witter* v. *Harvey*, 1 McCord (S. C.) 67, 10 Am. Dec. 650. In *Spackman* v. *Steidel*, 88 Pa. St. 453, the court held that where the highway is not dedicated to public use a grant carried title to the edge only, but in two recent cases, *Saccone* v. *West End Trust Co.*, 224 Pa. St. 554, and *Oliver* v. *Ormsby*, 224 Pa. St. 564, the Pennsylvania court held that where land is granted as bounded upon a private alley, the grant carries title to the center and in the first case distinguishes the case of *Spackman* v. *Steidel*, supra, where the street did not exist in actual use. Contrary to this apparent weight of authority are several holdings of the Maine court. *Winslow* v. *Reed*, 89 Me. 67, 35 Atl. 1017; *Ames* v. *Hilton*, 70 Me. 36; *Bangor House* v. *Brown*, 33 Me. 309. The principal case adopts the rule of the Maine court as the one "best calculated to do justice in cases of this character."

CIVIL RIGHTS—EQUAL PRIVILEGES—PLACE OF AMUSEMENT—ADVERTISING MATERIAL.—The defendant, a coffee merchant, rented a booth in a food show operated by a retail grocers' association, and from this booth served coffee, gratis, to all comers. The plaintiff, who had paid the general entrance fee to the show, because of her color was refused a cup of this coffee served for advertising purposes. *Held*, that defendant's booth was a private place of business, not partaking of the public nature of the food show, of which it was a part, and that the defendant was therefore not liable under a code provision providing that all persons should be entitled to equal privileges at all places where refreshments were served, and at all places of amusement, etc. (EVANS, C. J., and WEAVER, J., dissenting.) *Brown* v. *J. H. Bell Co. et al.* (1909), — Ia. —, 123 N. W. 231.

The decision rests entirely upon the construction given to the code provision regarding civil rights, as the federal civil rights act (Act March 1, 1875, c. 114, 18 Stat. 335—U. S. Comp. St. 1901, p. 1259—1 Fed. St. Ann. 805) has been held unconstitutional in so far as it assumed to regulate such matters in the state, and as unwarranted either by the thirteenth or fourteenth amendments to the Constitution. *Civil Rights Cases,* 109 U. S. 3, 3 Sup. Ct. 18, 27 L. Ed. 835. §5008 of the Iowa Code, 1897, provides: "All persons within this state shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, chophouses, eating houses, lunch counters and all other places where refreshments are served, public conveyances, barber shops, bath houses, theaters and all other places of amusements," and makes a violation of this provision a misdemeanor. This statute is based upon the police power of the state, *People* v. *King,* 110 N. Y. 418, 18 N. E. 245, 1 L. R. A. 293, 6 Am. St. Rep. 389; *Greenburg* v. *Western Turf Ass'n,* 148 Cal. 126, 82 Pac. 684, 113 Am. St. Rep. 216, and is to be strictly construed because of its penal character. It applies only to public places, and since the defendant's booth was rented for a private enterprise, the advertising of certain coffee, it did not partake of the public nature of the entire show of which it formed a part. The Grocers' Assoc'n invited the public to attend the food show by advertisements in the daily press, and charged a fee which admitted all persons to the hall in which the food show was held. The court remarks, with a quiet trace of humor, that in refusing to serve the coffee the defendant did not in any way deprive the plaintiff of any amusement, unless the coffee was so vile as to stimulate hilarity, and this was not claimed. The rule of "ejusdem generis" is applied in construing "other places where refreshments are served," and thus limits the application of that clause to the class which preceded it. This is the general rule of construction. *State* v. *Eno,* 131 Ia. 619, 109 N. W. 119; *McBride* v. *R. R.,* 134 Ia. 398, 109 N. W. 618. Such a clause has been held not to apply to a soda fountain, or to a saloon. *Rhone* v. *Loomis,* 74 Minn. 204, 77 N. W. 31; *Keller* v. *Koerber,* 61 Oh. St. 388, 55 N. E. 1002; *Cecil* v. *Green,* 161 Ill. 265, 43 N. E. 1105, 32 L. R. A. 566. So also a barber shop has been held to be not a "place of public accommodation." *Faulkner* v. *Solazzi,* 79 Conn. 541, 65 Atl. 947, 9 L. R. A. (N. S.) 601, 9 Am. & Eng. Ann. Cases 67, Note p. 69. The minority opinion regards the "show" as an entity, its unity not in any manner being destroyed by "the fact that many persons representing many lines of goods participated in the enterprise," and the refusal to serve the plaintiff as a violation both of the letter and the spirit of the statute.

CONSTITUTIONAL LAW — INEQUALITY — CLASSIFICATION — CHILD LABOR.— Action by a manufacturing company against an insurance company to enforce a contract to indemnify the manufacturer for loss occasioned by injury to an employee who was only eleven years old and who was employed contrary to a state statute providing: that no proprietor or owner of any mill or factory, other than the establishments engaged in the manufacture of canned goods, shall employ any person or persons under fourteen years of age, unless such child be the only support of a widowed mother, invalid father, or depends